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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,428	08/29/2003	Fei Xie	17405US04	8633
23446 7590 01/29/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER PAN, YUWEN	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 01/29/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/651,428

Applicant(s)

XIE, FEI

Examiner

Yuwen Pan

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judge (US006718298B1) in view of Goh (US006671353B1) and in further view of Bruno et al (WO 97/01932).

Per claims 1 and 12 Judge discloses a method in a mobile set for selecting data to be stored (see column 1 and lines 58-column 2 and lines 16), comprising:  
having a plurality of recording modes, each of the plurality of recording modes (incoming record mode, outgoing record mode, and both incoming and outgoing mode) for recording a different set of data frames exchanged between the mobile set and a second device during a phone call (see column 5 and lines 47-54); recording a set of data frames identified by a selected recording mode (see column 4 and lines 9-28), and one aspect of the record mode is to record only during the presence of speech (see column 1 and lines 28-42), the presence of the speech is detected by a voice activity detector (see figure 2 and column 3 and lines 33-40) during a conversation in which has both downlink and uplink signal. Judge doesn't teach display and indicating a

selection mechanism for choosing one of the displayed plurality of recording modes. Goh teaches displaying and listing different recording modes and steps (see figure 2, column 2 and lines 34-67). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Goh with Judge's device such that the user is able to visually anticipate with various recording functions.

Combination of Goh and Judge does not teach that the recorded set of data frames comprising a downlink video signal an uplink video signal and the video signal is recorded based on the voice activity of its corresponding voice signal. Bruno teaches a method and apparatus for recording computer based video conference call in which accept the video signal upon the voice detection (see page 5 and lines 15 to page 6 and line 3, page 6 and line 15-page 7 and lines 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to reducing the amount of memory needed for storage.

Per claim 2, Goh further teaches that providing a confirmation signal after a selection means for choosing a recording mode has been selected (see figure 2 and item 215, notifying user whether the device read for record or not). Judge further teaches that speech data and speech are stored in time frames order for play back purpose (see column 4 and lines 8-28).

Per claim 3, Judge discloses a method in a mobile set for replaying recorded conversations, comprising: the recorded conversations including uplink (outgoing) data frames transmitted from the mobile set to a second device during a phone call, and downlink (incoming) data frames transmitted, from the second device to the mobile set during the phone call, wherein

the uplink and downlink data frames are selectively recorded based on data content analysis performed by the mobile set of each uplink and downlink data frame (see column 4 and lines 38-62, column 5 and lines 48-55). Judge does not disclose displaying a line indicating a data structure of recorded conversations, in response to selection of the displayed line, replaying a recorded conversation. Goh teaches displaying and listing different recorded voice message with corresponding index and steps (column 3 and lines 19-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Goh with Judge's device such that the user is able to visually anticipate with various recording/playback functions.

Combination of Goh and Judge does not teach that the recorded set of data frames comprising a downlink video signal and an uplink video signal and the video signal is recorded based on the voice activity of its corresponding voice signal. Bruno teaches a method and apparatus for recording computer based video conference call in which accept the video signal upon the voice detection (see page 5 and lines 15 to page 6 and line 3, page 6 and line 15-page 7 and lines 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to reducing the amount of memory needed for storage

Same arguments apply, *mutatis mutandis*, to claim 4.

Per claim 5, Goh further teaches that the displaying of a list of data structures can be accessed during a real time subscriber conversation using the mobile set without interfering in the communication between the subscriber and a base station (see column 3 and lines 19-21).

Per claim 6, Goh teaches that a part of a previously recorded conversation may be transmitted through the uplink signal (see column 3 and lines 63-64).

Per claim 7, Judge further teaches that that voice signals are recorded from both ends in which are mobile sets (see column 546-54).

Per claim 8, Bruno further teaches that the recorded set of data frames are connected into a single data stream in which identity and source information is preserved for each of the downlink signals and uplink signals for video conference calls (see page 7 and lines 4-15).

Same arguments apply, *mutatis mutandis*, to claims 10, 11, 12, 13, 15, and 17.

Per claim 9, Bruno further teaches that indexing audio information between the terminals during the conference call is recorded (see page 7 and lines 9-15).

Same arguments apply, *mutatis mutandis*, to claim 14, 16.

Per claim 18, Judge further teaches data content analysis includes a determination of data content level. (see column 5 and lines 25-30, bad data).

Per claim 19, Judge further teaches that data content analysis includes a determination of voice activity (see column 3 and lines 51-65).

Same arguments apply, *mutatis mutandis*, to claim 20.

*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yuwen Pan  
January 10, 2008